

REMARKS

Claims remaining in the present application are Claims 1-21.

CLAIM REJECTIONS

35 U.S.C. §103

Claims 1-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Greer et al., U.S. Pat. No. 6,247,048 (hereinafter Greer) in view of Solymar, U.S. Pat. No. 6,244,758 (hereinafter Solymar). The rejection to Claims 1-21 is respectfully traversed for the reasons discussed below. It is respectfully submitted that Claims 1-21 are neither taught nor suggested by Greer or Solymar, alone or in combination.

Claim 1 recites, in part:

c) said host computer system determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism used in step a).

Thus, Claim 1 recites limitations involving a communication protocol and a transport mechanism. The transport mechanism is a mechanism over which the communication protocol is practiced. Examples of mechanisms are RF, infrared, wireline. However, neither the present invention nor Claim 1 are limited to these examples of transport mechanisms. Greer fails to teach or suggest that a communication protocol is determined based on the transport mechanism, as claimed. At col. 8, line 18 et seq., Greer discloses that a number of different communication protocols may be used. Greer may disclose that a given character set may be used when communicating with a particular device (col. 8, lines 5-8).

However, Greer is silent as to determining a communication protocol based in the transport mechanism over which the communication protocol will be practiced. Applicant respectfully requests that the Examiner point out where Greer bases the determination of which communication protocol to use based on the transport mechanism, as claimed. For the foregoing reasons, Greer fails to teach or suggest, "determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism," as claimed.

Moreover, the cited combination fails to teach or suggest this claim limitation because Solymar fails to remedy this deficiency in Greer in that Solymar fails to teach or suggest, "determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism," as claimed.

Further, it would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the teachings of Solymar with that of Greer to arrive at the Applicants claimed invention. There must be a motivation in the art to combine the references.

"To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for

combination in the claimed manner.” (In re Rouffet, 47 USPQ 2d 1453, 1457 (Fed. Cir., 1998).

Because [↑]the rejection fails to provide a motivation to combine the references in the manner claimed, the rejection to Claim 1 under 35 U.S.C. §103(a) must be removed.

For the foregoing rationale, the limitations of Claim 1 are neither taught nor suggested by Greer or Solymar, alone or in combination. As such, allowance of Claim 1 is respectfully solicited.

Claims 2-8 depend from Claim 1, which is believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejection of Claims 2-8 has been overcome and their allowance is earnestly solicited.

Claim 9 recites, in part:

e) said host computer system also operable to determine a communication protocol from a plurality of communication protocols based on said transport mechanism used.

For reasons discussed in the response to Claim 1, “said host computer system also operable to determine a communication protocol from a plurality of communication protocols based on said transport mechanism used” is neither taught nor suggested by Greer or Solymar, alone or in combination. As such, allowance of Claim 9 is respectfully requested.

Claims 10-18 depend from Claim 9, which is believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejection of Claims 10-18 has been overcome and their allowance is earnestly solicited.

Claim 19 recites, in part:

adaptation software residing on said host computer system, said adaptation software operable to determine a communication protocol from a plurality of communication protocols based on said one transport mechanism.

For reasons discussed in the response to Claim 1, "adaptation software residing on said host computer system, said adaptation software operable to determine a communication protocol from a plurality of communication protocols based on said one transport mechanism" is neither taught nor suggested by Greer or Solymar, alone or in combination. As such, allowance of Claim 19 is respectfully requested.

Claims 20-21 depend from Claim 19, which is believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejection of Claims 20-21 has been overcome and their allowance is earnestly solicited.


CONCLUSION

In light of the above remarks, reconsideration of the rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-21 overcome the rejections of record. Therefore, allowance of Claims 1-21 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Dated: 10/30, 2003

Respectfully submitted,
WAGNER, MURABITO & HAO LLP


Ronald M. Pomeranke
Registration No. 43,009

Address: WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, California 95113
Telephone: (408) 938-9060 Voice
(408) 938-9069 Facsimile